

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application Of:

Ragip Kurceren, et al. : Confirmation No.: **5545**
Application Serial No.: **10/737,184** : Group/Art Unit: **2621**
Filing Date: **December 16, 2003** : Examiner: **David N. Werner**

Title: ***TRANSFORM-DOMAIN VIDEO EDITING***

Mail Stop: **PETITION**
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO FORESTALL HOLDING OF ABANDONMENT

Sir:

Applicant hereby petitions to forestall a holding of abandonment in this case, on the basis that an Office Action indicated as mailed on October 30, 2008 which might form the basis of such an abandonment was not received by our office.

On May 6, 2009, applicant's attorney received a telephone call from Examiner Werner inquiring if a response to an Office Action mailed on October 30, 2008 was forthcoming or if the application was to be abandoned. A review of our files indicated that we had never received the Office Action of October 30, 2008. This was also confirmed by a review of our office's "mail lists" of incoming mail for the dates of October 31, 2008 through November 11, 2008. While speaking with the undersigned attorney, Examiner Werner was informed that the undersigned attorney had checked the USPTO PAIR system and noted that the Office Action mailed on October 30, 2008 was returned to the USPTO on November 10, 2008 as "undeliverable", thereby indicating that in fact the Office Action of October 30, 2008 was never received by the undersigned attorney.

The undersigned attorney confirmed that the address listed on the Office Action was correct. However, the undersigned attorney noted that the return envelope shown in the PAIR system has a blank space where our address should have appeared (see Attachment A). It is therefore apparent that the envelope containing the Office Action did not have our firm's address visible thereon, resulting in the envelope containing the Office Action to be returned to the USPTO.

Therefore, it is respectfully requested that any holding of abandonment be forestalled as the Office Action of October 30, 2008 was never received by applicant's attorney. Applicant requests that this Office Action be again mailed to applicant's attorney with a new mailing date.

If there are any questions regarding this matter, please contact the undersigned attorney at the below telephone number.

The undersigned respectfully submits that no fee is due for filing this Petition. The Commissioner is hereby authorized to charge to deposit account 23-0442 any fee deficiency required to submit this paper.

Respectfully submitted,

Dated: May 6, 2009

WARE, FRESSOLA, VAN DER SLUYS
& ADOLPHSON LLP
Bradford Green, Building Five
755 Main Street, P.O. Box 224
Monroe, CT 06468
Telephone: (203) 261-1234
Facsimile: (203) 261-5676
USPTO Customer No. 004955

/Kenneth Q. Lao/
Attorney for Applicant
Registration No. 40,061